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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 30th day of June, 1998

BEFORE

THE HON'BLE MR. JUSTICE V.P. MOHAN KUMAR

WRIT PETITION NO. 19872 OF 1996

BETWEEN :

Guddana Gouda
S/o Mylara Gouda
aged about 22 years
Yelburga Village,
Yelburga Taluk
RAICHUR DISTRICT

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.. PETITIONER

(Sri. L.M. Chidanandaiah, Advocate)

A N D :

1. State of Karnataka
represented by its Secretary
to the Department of Education
M. S. Building, Bangalore
2. Special Officer, Centralised
Admission Cell for TCH, B. Ed
Admissions, Central Junior
College Building, Opp. Cauvery
Bhavan, Bangalore - 560 002

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3. Bapuji Teachers Training
Institute, Mangaluru, Yelburga
Taluk, Raichur District
represented by its Principal

.. RESPONDENTS


(Sri N.K. Ramesh, H.C.G.A. for R-1 & 2
Smt. Akkamahadevi for R-3)

Writ Petition filed under Articles 226 & 227 of the Constitution of India, praying to; ISSUE an order, direction or writ in the nature of writ of Certiorari quashing the notification Annexure-A dated 20.6.1996 made in No. CAC/ADM 1/96-97 passed by the 2nd respondent; ISSUE an order, direction or writ in the nature of writ of Mandamus, directing the respondents more particularly the 2nd and 3rd respondents to admit the petitioner for the study of TCH course in 3rd respondent college, etc.

This Writ Petition coming on for Preliminary hearing in "B" Group, this day, the Court made the following :

O R D E R

The question involved in this writ petition relates to admission of students to T.C.H. Course. Initially all candidates who have studied Pre University irrespective of nature of curriculum were eligible for



for admission to T.C.H. Course. With effect from 1996, Rule 3 of the Rules framed by the authorities, namely, the Karnataka Selection of Candidates for Admission to Teachers Certificate Higher Course (T.C.H.) and Bachelor of Education Course (B.Ed), 1996, was amended. The proviso to Rule 3 (a)(ii) reads as follows :

"Provided further that no person who has passed Secondary/Pre-University Vocational Education Course/Diploma or any other Job Oriented Course shall be eligible for admission to T.C.H. Course."

Thereafter a candidate who has taken the course made mention in the proviso, became ineligible for being admitted. The validity of the Rules was the subject - matter before this Court in W.P.No. 21006/97 and connected case, disposed of by this Court on 3rd November, 1997. In the said judgment, this Court took the view as follows :


"In such circumstances, the rule should be made applicable to only those students who have joined the Pre-University Course after the rule came into force and the rule

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rule will not apply to those students who have completed the Pre-University Course after the Government notification declaring them as equivalent (Annexure-F in W.P.No. 21006/97) and prior to coming into force of the rule now in force. With this clarification, the writ petitions are disposed of."

The resultant position would be that those students who have completed the Pre-University Course prior to coming into force of the rule now in force, would be eligible for T.C.H. admission. This Court made a further declaration in the operative portion of the judgment, which reads thus :

"Therefore, I would direct that the applications submitted by the petitioners may be examined and considered by the respondents for admission to T.C.H. Course within 15 days from today. This declaration is confined to only such of those students who submit their applications for admission to T.C.H. Course for the year 1997-98."



2. In other words, by virtue of the above declaration, the candidates who have submitted their applications for admission to T.C.H. Course for the year 1997-98 are eligible to be considered for admission irrespective of the fact that they have passed Secondary/Pre-University Vocational Education Course/Diploma or any other Job Oriented Course made mention of in the proviso, referred to above.

3. This benefit was confined to only those students who have submitted their application for admission to T.C.H. Course for the year 1997-98.

4. The case of the petitioner is that he is one of such candidates, who had submitted his application for T.C.H. Course for the year 1997-98 and he is entitled for the declaration.

5. I have heard Mr. L.M. Chidanandayya, learned counsel for the petitioner, and Mr. N.K. Ramesh, learned Government Advocate appearing for respondents Nos. 1



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Nos. 1 and 2. In view of the circumstance that the petitioner also happens to be a candidate who had submitted his application for admission to the T.C.H. Course for the year 1997-98, the benefit of the judgment referred to above will be conferred on him as well. His application will also be considered for admission to T.C.H. Course without applying the prohibition made mention of in the proviso to Rule 3 referred to above. If he satisfies all other conditions for eligibility for admission, he will ^{be} considered for admission. The respondents are free to examine the question as to whether the petitioner is otherwise eligible for admission to T.C.H. Course without insisting upon the prohibition made mention of in the proviso referred to above. The writ petition is disposed of as above.

Sd/-
JUDGE

Pkc/Hrp

